

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: *McGee et al.*

Confirmation No.: 7972

Serial No.: 10/810,325

Art Unit: 1625

Filed: March 25, 2004

Examiner: D. Margaret M. Seaman

For: COMPOUNDS FOR THE
MODULATION OF PPAR γ
ACTIVITY

Attorney Docket No.: T-99-008-3/US
(11134-123-999)

**PETITION TO REVIVE
UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment of the above-identified application mailed June 25, 2007, Applicants respectfully petition the United States Patent and Trademark Office ("USPTO") to revive the instant application under 37 C.F.R. § 1.137(b) on the ground that the application was unintentionally abandoned. A copy of the Notice of Abandonment is attached with this petition as Exhibit A.

Applicants hereby state that the entire delay to the date this petition is filed was unintentional.

Applicants believe that the above-identified application became abandoned as a result of an error on the part of the Patent Office. A response to the final Office Action dated December 18, 2006, was due in connection with the above-identified patent application June 18, 2007. On June 15, 2007, Applicants filed the response, with an associated Petition for Extension of Time and Notice of Appeal by Express Mail. A copy of the Response and associated documents is attached as Exhibit B. The response as filed indicated Applicant's intention to file a Petition for an Extension of Time and a Notice of Appeal on page 1 of the response, and authorized the payment of any required fee on page 26 of the response.

A copy of the postcard attached with this filing and Express Mail Receipt evidencing the filing of the Response with associated documents on June 15, 2007, is attached hereto as Exhibit C. Applicants note that the postcard contains an unfortunate typographical error in the Application Serial Number and thus inadvertently misidentifies the documents.

Adjustment date: 02/13/2008 CKHLOK
07/30/2007 DLINDSEY 00000002 503013 10815325
01 FC:1253 1020.00 CR
02 FC:1401 500.00 CR

02/13/2008 CKHLOK 00000003 503013 10810325

01 FC:1253 1020.00 DA
02 FC:1401 500.00 DA

02/13/2008 CKHLOK 00000002 503013 10810325

01 FC:1453 1540.00 DA

Adjustment date: 02/13/2008 CKHLOK
10/17/2007 INTEFSW 00002384 503013 10810325
01 FC:1253 1050.00 CR
02 FC:1401 510.00 CR

Application No. 10/810,325
Attorney Docket No. T-99-008-3/US (11134-123-999)
Petition to Revive Unintentionally Abandoned Application

Applicants further note that similar unfortunate typographical errors occur in the Petition for Extension of Time and the Notice of Appeal originally filed. The Petition and Notice correctly identified the first named Inventor, Title, Filing Date, Confirmation Number, Art Unit, Examiner, and Attorney Docket Number for the instant application.

Nonetheless, Applicants hereby represent that the response was timely filed, together with an indication of Applicants' Notice of Appeal and Petition for Extension of Time, with the authorization to pay the required fees, and that this response correctly identified the present application. Taken together, Applicants believe that the evidence presented in Exhibits B and C indicate that the present application was abandoned because of an error on the part of the patent office, *i.e.*, mishandling the Response to Final Office Action filed June 15, 2007.

Applicants submit herewith a copy of the Response originally filed June 15, 2007, together with a corrected Petition for Extension of Time and Notice of Appeal.

Accordingly, Applicants hereby respectfully request that the application be revived, and that the Response and Notice of Appeal submitted herewith be accepted and made of record into the file of the present application.

CONCLUSION

Applicants hereby respectfully request that the Patent Office revive the above-identified patent application. Further, Applicants respectfully request revival without charging the Petition Fee as the present application became abandoned as a result of an error on the part of the Patent Office. However, should the Patent Office determine that the Petition fee is appropriate, please charge the required fee of \$1540.00 to Jones Day's Deposit Account No. 50-3013 (Referencing No. 893053-999123).

Date: October 16, 2007

Respectfully submitted,



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